

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES EASLER,
MICHELLE STONE-EASLER, and
INSURANCE COMPANY OF
STATE OF PENNSYLVANIA,

Plaintiffs,

v.

Civil Action No. 1: 10-cv-11989 RGS

DELTA AIR LINES, INC.,
FREEDOM AIRLINES, INC.,
MESA GROUP, INC., and
COMAIR, INC.,

Defendants.

JOINT MOTION TO EXTEND DISCOVERY DEADLINES

Now come the parties to this multi-party tort case and respectfully request a brief extension of the current discovery deadline from January 20, 2012 to March 2, 2012, as well as a corresponding extension of the other deadlines.¹ Since the court's grant of an extension on the discovery deadline in November, the depositions have proceeded as aggressively as possible but their scheduling has been hampered by several non-party witnesses' unavailability.

¹ In November 2011, the court allowed, in part, a similar motion setting the following deadlines: Fact depositions completed by 1/20/12. Plaintiffs' expert witnesses designated and Rule 26 reports served by 2/14/12. Defendants' Expert witnesses designated and Rule 26 reports served by 3/8/12. All expert depositions completed by 4/6/12. Any Summary Judgment Motions due by 4/27/2012; oppositions filed by 5/18/12.

While this case has been in suit since November 2010 it was not until June 2011 that all necessary parties began actively litigating the case. With four depositions now scheduled to take place in the next two weeks in Boston, Cleveland, and Cincinnati, the parties will need the additional time to complete two more depositions which had been scheduled but had to be postponed due to exigencies of those unrepresented fact witnesses, not counsel. In addition, the parties will need time to complete the final out-of-state deposition of a corporate defendant in Phoenix.

The case involves a complicated set of facts, extensive medical records, and several relevant non-party witnesses. The parties have tentatively scheduled a full-day mediation in late February. This extension will allow the parties to make the best use of that mediation, is in the best interests of justice, and no party would be prejudiced by granting this request.

Respectfully submitted,

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PENNSYLVANIA,

By its attorney,

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By their attorneys,

/s/ Benjamin M. McGovern

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Date: January 13, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Benjamin M. McGovern